**THE HON'BLE MR JUSTICE V.V.S.RAO**

WRIT PETITION No.23495 of 2006

**13.11.2006**

Between:

Pannala Ram Reddy, S/o.Late Bal Reddy
And others

… Petitioners

AND

The Deputy Collector and Mandal Revenue Officer,
Hayathnagar Mandal, Ranga Reddy District at Hayathnagar

… Respondent

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ORDER:

The petitioners herein are allegedly owners of land situated in survey Nos.271 (Acs.17.25 guntas), 272 (Acs.11.10 guntas) and 273 (Acs.11.11 guntas) situated at Turkayamjal Village of Hayathnagar Mandal in Ranga Reddy District. By reason of an ownership certificate issued by the Revenue Divisional Officer (East), Hyderabad, under Section 38-E of A.P. (Telangana Area) Tenancy and Agricultural Lands Act, 1950 (the Act, for brevity), in favour of the grandfather of the petitioners, Linga Reddy, the petitioners filed an application under Section 38-E of the Act, for restoration of possession and other consequential reliefs, before the respondent herein. It is the case of the petitioners that even though the application was filed in the third week of September 2006, it was kept pending. Therefore, they seek a direction to the respondent to pass appropriate orders on the application of the petitioners by conducting enquiry.

The relief prayed by the petitioners is opposed by the learned Assistant Government Pleader for Revenue (General-T). Further, it is the case of the petitioners that out of Acs.41.00 of land covered by ownership certificate under Section 38-E of the Act, the petitioners already sold away Acs.23.00 and necessary orders are to be passed by the respondent in respect of the balance of Acs.18.00. It is their further case that third parties have an eye over the land and, therefore, appropriate orders are necessarily to be passed under the Act and the Rules framed by the Government under Section 38-E of the Act (the

Rules, for brevity) vide G.O.Ms.No.2064, dated 07.5.1980. In this background, the Mandal Revenue Officer (MRO) should immediately conduct enquiry and pass appropriate orders as quickly as possible following the Rules and under the provisions of the Act. The MRO may complete the exercise as above within a period of three months from the date of receipt of a copy of this order.

The writ petition, with the above observations, is accordingly disposed of. No costs.

Mahindra Hills, Secunderabad. The sale deed executed in their favour was presented before the registering authority – the third respondent herein; which was kept pending for registration as P.No.100/2006. Aggrieved by the action of the third respondent in not releasing the sale deed after due registration, the present writ petition is filed.

In **State of Rajasthan v Basant Nahata**[1], the Supreme Court struck down the provision in the Registration Act as amended by the State of Rajasthan as *ultra vires*. Following the same, a Division Bench of this Court in its judgment dated 07.12.2005 in W.P.Nos.14099 of 2003 and batch struck down Section 22-A of the Act as applicable in State of Andhra Pradesh. It is also brought to the notice of this Court that Special Leave Petition filed by the State Government against the said judgment was also dismissed by the Supreme Court on 11.8.2006. Therefore, the impugned order cannot be sustained.

Following the judgment of the Division Bench, this writ petition is disposed of. As and when the documents are presented by the petitioners, the Registering Authority shall accept the same for registration and if for any reasons, the same cannot be registered, record and furnish the reasons. If the petitioners are aggrieved by the order of the Registering Authority, it shall be open to them to file appeal under Section 72 of the Act before the District Registrar. If the District Registrar i.e., the Appellate Authority declines to give direction to the Registering Authority, the aggrieved person has to file a suit under Section 77 of the Act.

However, having regard to the submission of the learned Assistant Government Pleader for Revenue (General-T) that the Government filed a Land Grabbing case before the Special Court constituted under the Andhra Pradesh Land Grabbing (Prohibition) Act, 1982, is pending, this Court observes that it shall be open to the District Collector, Hyderabad, and other revenue officials to approach the Special Court and obtain appropriate orders against the

petitioners, if so advised.

The writ petition, subject to the above observations, is accordingly disposed of. No costs.

November 13, 2006. (**V.V.S.RAO, J**)

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[1] (2005) 12 SCC 77 = 2005 AIR SCW 4456